



Response under 37 C.F.R. 1.116  
- Expedited Examining Procedure -  
Examining Group 2891

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ronald S. Cok

OLED DISPLAY WITH CIRCULAR  
POLARIZER

Serial No. 10/817,536

Filed 01 April 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 2891

Examiner: Dana Farahani

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*Valerie J. Richardson*  
Valerie J. Richardson

*January 12, 2006*  
Date

Pre-Appeal Brief Request for Review

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested based on the following Arguments.

Arguments

Claims 1, 6 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (AAPA). Claims 14-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over AAPA. Claims 2-5, 7, 8, 10 and 11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over AAPA as applied to claim 1 above and further in view of Van Hal et al (US Patent Application Publication 2002/0172839). Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA as applied to claim 1 above, and claim 14, and further in view of Chan (US Patent 5,055,894). Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of

Chan as applied to claim 12 above, and claim 14, and further in view of Van. These rejections are respectfully traversed.

Regarding claim 1, the Examiner states that AAPA discloses in figure 3, a top-emitting OLED display comprising: a) a substrate 20; b) an array of OLED light emissive elements 10 formed over the substrate; c) an encapsulating cover 38 located over the OLED light emissive elements; and d) a circular light polarizer 50 located between the encapsulating cover and the OLED light emissive elements. Such statement represents clear error, as there is no actual description of the “admitted prior art” such that Fig. 3 should be interpreted as disclosing an OLED display in a manner as proposed by the Examiner. The specification text associated Fig. 3 rather clearly identifies that the encapsulating cover of such display is element 36 (affixed to substrate 20 with adhesive 70), not element 38 as clearly erroneously proposed by the Examiner. Polarizer 50 is clearly shown and explicitly described as being provided on top of the encapsulating cover 36 of the prior art OLED display device, not between the encapsulating cover and the OLED elements as required by claim 1. Element 38 is clearly identified as an optional protective cover provided over the polarizer 50, not as the encapsulating cover of the device (which, again, is clearly identified as element 36). Thus, “Applicant’s Admitted Prior Art” clearly does not anticipate the invention of claim 1, and the Examiner’s rejection thereof represents clear error.

In response to Applicant’s explanation that the encapsulating cover of the “admitted prior art” display of Fig. 3 relied upon by the examiner is element 36, and not 38, the Examiner argues in the Final Rejection dated October 19, 2005 that element 38 in figure 3 qualifies as an encapsulating cover as required in the present claimed invention, when the phrase “encapsulating cover” is given its plain meaning; that is the meaning that it would convey to a person with ordinary skill in the art. An “encapsulating cover” provided over the OLED light emissive elements formed over a substrate of an OLED device would be well understood by one skilled in the OLED display art to refer to an element that performs an encapsulating function with respect to the light emissive elements it is located over by being sealed to the substrate so as to protect the light emissive elements from the environment. As element 36 is clearly identified in Fig. 3 as the encapsulating cover, it would be clear to the artisan that it is this

element that performs this function in the “admitted prior art” Fig. 3 embodiment (i.e., it is element 36 which is located over the OLED light emissive elements 10 and attached to the substrate so as to encapsulate the OLED elements 10), and element 38 (while providing protection to polarizer 50) would not be identified as an “encapsulating cover” of the device by one skilled in the art. Accordingly, as the “admitted prior art” explicitly identifies element 36 as the encapsulating cover, and explicitly shows that the polarizer 50 is provide over the encapsulating cover 36 in such prior art embodiment, rather than between the encapsulating cover and the OLED elements, it is not understood how any purported “plain meaning” argument changes the express description of the prior art actually “admitted” by Applicant.

Regarding claim 14, the Examiner states that AAPA discloses the limitations in the claim, as discussed above with respect to claim 1, except for a material located adjacent to the first surface layer of the circular light polarizer having a refractive index matched more closely than air to the reflective index of the first surface layer of the circular light polarizer, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to make the reflective index of the layer 36 match the reflective index of the polarizer so as not to interfere with the direction of the emitted light from the polarizer. As discussed above, however, Fig. 3 relied upon by the Examiner does not disclose the limitations of the claim, as element 38 is not an “encapsulating cover” as such term would be interpreted by one of ordinary skill in the art, and as the polarizer 50 is not provided between the OLED elements 10 and the encapsulating cover (element 36) of the device. Accordingly, the claimed invention is clearly not taught or suggested by the cited “admitted prior art”, and this rejection represents further clear error.

The additional cited references of Chan and Van Hal et al do not over come the basic deficiencies of the rejection of independent claims 1 and 14, and accordingly rejection of each of claims 1-18 is believed to represent clear error. The following additional comments are also provided for further distinction.

Regarding claim 6, the Examiner states that the circular light polarizer 50 is attached to the OLED light emissive elements in Fig. 3 by means of layer 36. To the contrary, the polarizer 50 is separated from the OLED elements 10 by encapsulating cover 36. Regarding claim 9, the Examiner states

that the cover (38) is hermetically sealed to the substrate by means of element 36 (and 50). Again, it is encapsulating cover 36 which is sealed to the substrate, not optional protective cover 38, which is optionally provided over polarizer 50 which is provided over encapsulating cover 36.

Regarding claims 2 and 3, the Examiner states that AAPA discloses the limitations in the claims, as discussed above, except for the encapsulating cover defines a cavity over the OLED elements and the circular light polarizer is attached to the encapsulating cover inside the cavity, that Van discloses in figure 1, an encapsulating cover 7 defines a cavity 8 over the OLED's 3, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to make a cavity with a cover over the OLED of the device of the AAPA in order to avoid direct contact with the light emitting layer. While Van does indeed show a cavity between the OLEDs 3 and the encapsulating cover 7, combining such teaching with AAPA Fig. 3 so that encapsulating cover 36 of Fig. 3 would form a cavity would still not result in the present claimed invention, as polarizer 50 of Fig. 3 provided above encapsulating cover 36 would still be provided outside of any cavity formed with encapsulating cover 36. Forming a cavity with element 38 as apparently proposed by the combination urged by ht Examiner would clearly not form cavity over the OLED elements, as actual encapsulating cover 36 would still be between the OLED elements and element 38. Again, such proposed rejection represents clear error as element 38 is not the encapsulating cover of the described device of Fig. 3.

Regarding claims 10 and 11, the Examiner states that a desiccant material 9 is located around a periphery of the cover 7 in the Van reference. Such statement represents further clear error, as Applicant cannot find such a teaching as alleged by the Examiner. Rather, moisture-absorption sheet 9 is depicted in Fig. 1 as being located in a central area of the cover 7. Further, there is additionally clearly no teaching of defining a peripheral channel in the cover and locating the desiccant in the peripheral channel.

Regarding claims 12 and 17, while Chan may disclose in figure 17 an anti-reflective coating layer 106 formed over light emitting diodes, such rejection represents further clear error as there is no teaching or suggestion to provide such a coating over an encapsulating cover of an organic light emitting

diode display. Rather, such coating is provided on the opposite side of a substrate 80 upon which inorganic LEDs are formed.

Regarding Claims 13 and 18, it is further noted that providing an antireflective coating on the side of an encapsulating cover opposite to the OLED elements and moving the coating 9 of Van Hal to be positioned over or with such an antireflective coating as apparently suggested by the Examiner would defeat the objective of Van to provide moisture absorption sheet 9 within the encapsulation cavity.

The final rejection thus clearly is in error for at least the reasons asserted above, and a prompt and favorable action in response to this request is earnestly solicited.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.